

paramount; thus providing for the safety and perpetuity of our State government and also the protection of our people at home and abroad.

Then what harm can there be in the next clause of the oath? "That I have never directly or indirectly, by word, act or deed, given any aid, comfort or encouragement to those in rebellion against the United States or the lawful authorities thereof, but that I have been truly and loyally on the side of the United States against those in armed rebellion against the United States."

In providing officers for the State of Maryland under the new constitution, especially in this great national crisis of our affairs, it becomes necessary for us to secure those persons who are friendly to the State, who have never been inimical to it and endeavored to subvert the State government, because I hold that in subverting the Union or destroying this nation, you destroy the State. Therefore it is not unreasonable to provide as a qualification for officers, that those persons only shall fill the offices but those who owe paramount allegiance to the Union, and thus to secure the perpetuation of the State government. It is not unreasonable to provide that those who hold these offices shall take this oath, when we consider that the first and chief thing to be attained is to select men who will faithfully serve the State. Would any one serve the State of Maryland, as an officer, faithfully zealously and honestly, who could not take this oath? Certainly not. No one would be expected to do so by the majority of the people of Maryland. I say therefore that it is right that they should be able to take this part of the oath conscientiously, in order to be able to serve the people of Maryland in the offices of the State government:

"And I do further swear or affirm that I will, to the best of my abilities, protect and defend the Union of the United States, and not allow the same to be broken up and dissolved, or the government thereof to be destroyed under any circumstances, if in my power to prevent it, and that I will at all times discountenance and oppose all political combinations having for their objects such dissolution or destruction."

Now I say that the destruction of the national government is the destruction of the State. Every one who takes the view of the case that we owe paramount allegiance must agree to that. To destroy the national government is to destroy the State; to preserve the national government is to preserve the State. Therefore it is not unreasonable that we should require persons in the service of the State not only to be able to take this oath, but to be able to keep this oath.

Something has been said here to-day about the difference between moral and legal treason, or treason that does not show itself openly in overt acts. Moral treason, if

I understand what is meant by the term, means a wish or intention to subvert the government, unaccompanied by any act tending to secure or attain that result. It is a kind of treason we cannot punish, because it does not show itself, nor does it end in anything. The moment it gets so far as to be open and overt, then it becomes not moral but legal treason, which can be punished.

It was also said to-day that Abraham Lincoln and his army could just as well subvert the constitution as Jeff. Davis and his army. That is what I understood to be the effect of the remark of the gentleman from Somerset.

Mr. JONES, of Somerset. All I meant to ask was this, whether subverting the constitution in the north by force of arms was not the same in effect as subverting it in the south by force of arms; whether the subversion of the constitution either in the north or the south by military power were not equally treason.

Mr. THURSTON. There is no doubt about that. Treason may be committed in the north as well as in the south. The commission of overt acts with the intention of subverting the government may just as well take place in the north as in the south.

Mr. JONES, of Somerset. That is all I meant to say.

Mr. THURSTON. The difference between the two cases is plainly before our eyes. The one openly declares his intention to dissolve the Union and destroy the constitution. The other is doing overtly everything in his power to save the Union and to maintain the constitution. I can see no parallelism whatever between the two cases. Jeff. Davis claims to be a traitor, an open rebel subverting the government. On the other hand, the administration now in power is doing all that it can do to maintain the government.

Mr. JONES, of Somerset. If the gentleman will allow me, I will say that it was with reference to the words expressly used by the gentleman from Cecil (Mr. Pugh) that I used the illustration.

Mr. PUGH. If the gentleman from Allegany will permit the interruption—I do not like to interrupt his remarks—but I would like to know what reference it has to anything I said.

Mr. JONES, of Somerset. It was only with reference to what the gentleman from Cecil said about waging the war until slavery was exterminated; which I say is in violation of the Constitution of the United States.

Mr. THURSTON resumed: I do not understand that that is so. As to the oath taken to support the administration, the oath is to support the government of the country. So long as Mr. Lincoln, or any one else, occupies the chair as President of the country, and continues acting as President of the country, he must be sustained under the oath to support the government of the country. We have provided for getting rid of men who do not carry out the constitution and the laws by our fre-